the debate. Of course, Shri John F. Fernandes, is one of them. We would allow only those Members to seek clarifications who have not participated in the discussion on Bihar. I would request them to be brief. Dr. Biplab Dasgupta.

CLARIFICATIONS ON STATEMENT BY MINISTER

Seeking of Army Assistance by CBI for Execution of a Warrant of Arrest in Patna

DR. BIPLAB DASGUPTA (West Bengal): Sir, I would like to put two or three specific questions. Sir, in the statement there is a reference to the fact that CBI did seek the support of civil authorities. But the civil authorities did not oblige. It is not clear from the statement what prompted the civil authorities to refuse such cooperation. I will be obliged if some explanation is given in this regard. If an arrest warrant is to be executed, it can be executed only by the executive. There can be no worthwhile reason why the civil authorities refused to cooperate with CBI. That is my first question.

My second question is this. I really feel perplexed. Why should CBI go to a judge to get permission to seek the help of the Army? I don't know what the manual of CBI is and what the division of work of CBI is at the State level and at the national level and so on. I would like to know from the hon. Home Minister by doing so whether the Director, CBI violated all the serious norms of functioning of a civil servant.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Please be brief.

DR. BIPLAB DASGUPTA: I am only putting questions. How can a judge of the High Court order the Army? I am not clear about it. It is also very perplexing to me. The day judges start giving orders to the army, there will be the end of the Indian democracy.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I think we should not say such things. The Home Minister, in his own way, will cover the subject. But one must not say that if the judges do something, it will be an end of democracy. I think we should avoid that language.

DR. BIPLAB DASGUPTA: In any case they should not have given these orders. Judges should never give orders to the Army. The orders of the judge are to be executed by the administration. It is not the job of the Army. Judges have to operate through the executive....*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Please be brief...*(Interruptions)*...I will allow you, but please be brief...*(Interruptions)*...

DR. BIPLAB DASGUPTA: You are not allowing me to speak. I am just making points one by one. I am not elaborating any point. The next point is that, the only side which has come out clean is the Army because the Army refused to carry out the orders. These are four relevant points which I think should be answered. I also find this very surprising. It is a very important issue. It raises a constitutional question. The question involves the relationship between the Army and the civil authorities. I find that some parties have taken a partisan view. The BJP...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Now, please do not give examples. Mr. Biplab Dasgupta, I will not allow this. There will be no end to it. The hon. Home Minister will not be able to reply ...*(Interruptions)*...

DR. BIPLAB DASGUPTA: I have not even taken one minute. You are not allowing me to speak. Please allow me to speak for at least two minutes without interrupting me. These are four to five issues which have come up for discussion.

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These issues should be discussed and I am sure the hon. Home Minister will be able to reply to them. I seek a little indulgence from you, Mr. Vice-Chairman. I will make a point. A very important question was raised by Shri Sikander Bakht. Shri Satish Agarwal is a highly respected Member of the House. We all respect him. That day, when he spoke on Bihar, it was perhaps, one of his best speeches. I appreciate it and I congratulate him. But I also told him that his reference to Sikanderji was in bad taste. I told him that. I don't see Satishji as a Hindu or Sikanderji as a Muslim. I see both of them as prominent individuals, very loveable individuals and despite my differences with them on political matters, I have nothing but deep respect for both of them...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): But this is not addressed to the Home Minister. Please address the Home Minister. I am sorroy Mr. Biplab Dasgupta, I cannot allow you. What about John F. Fernandes? There will be no end to this. There will be many more opportunities for you to speak...*(Interruptions)*...

SHRI JOHN F. FERNANDES (Goa): Thank you, Mr. Vice-Chairman, Sir. I will not cast any aspersions on the judiciary because you will not permit me. I am going to refer to the judgement of the hon. Supreme Court. The hon. Supreme Court stated that there are some judges in this country who did not know the basic law and this is the case in point which we are discussing here today. I am not casting aspersions on the judiciary. I am only stating what the Supreme Court has said. The Army officers know the law better. Some CBI officers went to the Patna High Court. They should not have gone to the Patna High Court because the designated court was there—the CBI court. Justice S.K. Lal issued a warrant of arrest. I do not know whether there is any connivance between certain officials of the CBI and a certain Bench. Therefore, I want to know about this from the hon. Home Minister. The Home Minister, in his statement mentioned that he has instituted a high-level inquiry. We do not know what type of high-level inquiry. it is. We have to go by the Constitution. We have to see that the law of the land prevails and the law of the land is upheld by the judiciary. If a small Army officer posted at a certain place in Patna can tell us what the law of the land is, then I have a high respect for him. I have a high respect for our defence forces and I do not agree with Dr. Biplab Dasgupta when he said, "When the judiciary gives orders, that will be the end of democracy". I do not think our defence forces can be dictated by anybody in this country because they know the law.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You please put your questions.

SHRI JOHN F. FERNANDES: My question is this. He mentioned about a high-level inquiry. I am referring to the high-level inquiry. It is in the statement. I would like to know whether this inquiry will go to see that such prenouncements are not made in future and whether this will be brought to the notice of the Supreme Court by the Government.

6.00 P.M.

DR. GOPALRAO VITHALRAO PATIL (Maharashtra): Sir, what are the terms of reference of the High Level Committee which has been mentioned in the Report? I would like to know whether the High Level Enquiry Committee will take into consideration the failure of administration, both the civil and the police in Bihar which was mainly responsible and for which the CBI sought the guidance of the High Court. I would like to know whether it was necessary for it to call for the help of the Army. This Point should be clarified by the Home Minister because the fact is, the CBI itself was thereatened.....

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): No, no, please don't elaborate. You have made your point. Any other clarifications? He will tell you the terms of reference and the circumstance.

DR. GOPALRAO VITHALRAO PATIL: The CBI, the investigating body seeks protection for its own self. That is the reason protection for its own self. That is the reason why they have gone there. These are the few questions I would like to put as there is no more time.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Shri Surinder Kumar Singla. He is absent. Shri Lakkhiram Agarwal. He is not present. Prof Vijay Kumar Malhotra.

प्रो॰ विजय कुमार मल्होत्रा (दिल्ली): उपसभाध्यक्ष महोदय, मैं माननीय गृह मंत्री जी से यह जानना चाहता हूं कि क्या इसके प्रीसीडेंट्स है कि इससे पहले हाई कोर्ट के जजिज़ ने आर्मी की सहायता ली? क्या यू॰पी॰ के अंदर हाई कोर्ट ने एक समय में सेना को बुलाया था जब उनका घेराव करने की बात हुई? क्या उस वक्त किसी ने इसको नोटिस में नहीं लिया कि हाई कोर्ट के जज़िज ने सेना को वहां पर अपनी रक्षा के लिए क्यों बुलाया था? दूसरा, क्या यह ठीक है और आपके नोटिस में है कि बिहार हाई कोर्ट के जजिज़ ने आज सुबह जो जजमेंट दिया है कि कहा है कि वहां के ऑफिसर्स अब जेल जाने के लायक है क्योंकि इन्होंने वहां पर उन्हें कोई प्रोटैक्शन नहीं दी। आज वहां जंगल राज चल रहा है। उसमें सारी कॉन्स्टीट्यूशनल मशीनरी फेल हो गयी है। शायद इसलिए उन्होंने वहां पर सी॰बी॰आई॰ को कहा था कि आप सेना को बुला ले अन्यथा सी॰बी॰आई॰ के जो अधिकारी है, वह भी खतरे में है यह सारी स्थिति है। क्या जो जजमेंट आज उन्होंने की है वह आपके ध्यान में है? यह जो बात कही जा रही है कि विश्वास को हटाने का गवर्नमेंट आफ इंडिया, इस इन्क्वायरी के माध्यम से बहाना बना रही है तो क्या यह केवल बहाना है या सचमुच आप इन्क्वायरी करने के बाद उनके बारे में कर रहे है? यह ठीक है, और हम नहीं चाहते है कि आम मामले में सेना को बुलाया जाए परन्तु सेना को बुलाने का आदेश यदि हाई कोर्ट दे तो उस स्थिति में अधिकारियों को क्या करना चाहिए, यह आप बताने का कष्ट करें।

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश) उपसभाध्यक्ष महोदय, मैं माननीय इंद्रजीत गुप्त जी से यह पूछना चाहता हूं कि क्या लालू प्रसाद यादव जी को गिरफ्तार करने का आदेश दिल्ली से गया था? क्या गिरफ्तारी का आदेश श्री शर्मा जी ने दिया था या इस गिरफ्तारी का निर्णय वहीं पटना में हुआ? अगर सी॰बी॰आई॰ हैडक्वार्टर, दिल्ली से निर्णय गया था तो क्या निर्णय यह था कि इस बहाने उनको गिरफ्तार न किया जाए? उन्होंने कहा है कि लोकल फार्मेशन से लो, पूरी सतर्कता बरतो और स्थिति यह थी कि चीफ सेक्रेटरी वहां उपलब्ध नहीं थे।

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): नहीं आपका मतलब यह है

श्री विष्णु कान्त शास्त्री: महोदय, मेरा मतलब यह है कि डी॰जी॰ सेक्रेटरी उपलब्ध नहीं थे,डिस्ट्रिक्ट मजिस्ट्रेट उपलब्ध नहीं थे, फिर कैसे गिरफ्तारी होती?

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) यह उत्तर तो वह देंगे।

श्री विष्णु कान्त शास्त्री: मैं यही उनसे पूछना चाहता हूं कि अगर उनको गिरफ्तार करने का आदेश दिया गया है और गिरफ्तार करने के जो उपकरण है, वह बिहार सरकार मुहैया नहीं करती तो क्या हैडक्वार्टर की यह मंशा थी कि वह गिरफ्तार न हों? वह केवल जाकर स्वयं को धूम-धड़ाके के साथ आत्मसमर्पण करें? मैं यह जानना चाहता हूं कि क्या केन्द्रीय सरकार इसमें माननीय पूर्व मुख्य मंत्री की मददगार बन रही है कि उनको गिरफ्तार न किया जाए? मैं यह भी जानना चाहता हूं कि क्या केन्द्रीय सरकार श्री विश्वास के रूपर खड्गहस्त है? मैं यह भी जानना चाहता हूं कि...

उपसभाधयक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): यह सवाल तो आपने पूछ लिया है। यहां भाषण नहीं हो रहा है।

श्री विष्णु कान्त शास्त्री: महोदय, मैं यह कहना चाहता हूं कि वह इसको स्पष्ट करें, यह मेरी उनसे प्रार्थना है।

श्री गोविन्द राम मिरी (मध्य प्रदेश): धन्यवाद उपसभाध्यक्ष जी, जैसी कि जानकारी मिली है कि वहां की गवर्नमेंट के चीफ सेक्रेटरी ने सुप्रीम कोर्ट से लालू प्रसाद जी की एंटी सिपटेरी बेल रिजेक्ट होने पर उनकी

गिरफ्तारी में पूरी मदद देने के लिए कोर्ट में हलफनामा दे दिया और जब गिरफ्तारी के लिए नॉन बेलेबल वारंट इश्यू हुआ तो लालू प्रसाद जी ने कहा कि मैं नेक्स्ट डे सरेण्डर कर रहा हूं। नॉन बेलेबल वारंट तो इमीडिएट इफेक्ट होना चाहिए, यह मैं एक वकील होने के नाते कह सकता हूं। सरेण्डर करने में और अरेस्ट करने में दोनों में अन्तर है। मैं जानना चाहता हूं कि जब सीबीआई ने वहां के चीफ सेक्रेटरी से, स्टेट के डीजीपी से और डीएम से उनको अरेस्ट करने में मदद मांगी तो क्या उन्होंने उनकी मदद की? हम लोगों को जानकारी मिली है कि उन्होंने रात को बैठकर के लालू प्रसाद जी को इन्फारमेशन दी कि आप अरेस्ट होने वाले हैं। उन्होंने बजाय लालू प्रसाद जी को अरेस्ट करने में मदद करने के उनको बचाने की कोशिश की और कोर्ट में सरेण्डर करने का मौका दिया और उनको अरेस्ट नहीं होने दिया। जैसे कि मंत्री जी ने हाई लेवल इन्क्वायरी सेट अप की है उन सीबीआई अफसरों के खिलाफ जिन्होंने सेना की मदद मांगी, तो मैं माननीय गृह मंत्री जी से यह जानना चाहता हूं कि क्या इसकी जांच के लिए भी कोई हाई लेवल कमेटी सेट-अप की है या कर रहे हैं कि प्रशासन ने, सिविल अथारिटी ने और पुलिस अथारिटी ने जो लालू प्रसाद जी की मदद की और कोर्ट के आदेश को वॉयलेट किया, उनको अरेस्ट नहीं होने दिया बल्कि बचा करके शील्ड करके सरेण्डर करने दिया, उनको सपोर्ट किया और न्यायालय तक उनके साथ में गए तो क्या इसकी जांच के लिए भी आप कोई कार्रवाई कर रहे हैं?

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): धन्यवाद मिरी जी, श्री के॰ रहमान खान साहब आप भी कुछ पूछना चाह रहे हैं।

श्री के॰ रहमान खान (कर्नाटक): महोदय, मैं एक क्लेरिफिकेशन होम मिनिस्टर साहब से पूछना चाहता हूं कि अरेस्ट और सरेण्डर में क्या फर्क है? अगर एक आदमी को नान बेलेबल वारंट इश्यू हुआ और वह अपने आप आत्मसमर्पण करना चाहता है सरेण्डर करना चाहता है और सीबीआई को जब यह मालूम था कि वह सरेण्डर कर रहे हैं तो इतनी बहस क्यों हो रही है? जब एक आरोपी खुद आ करके सरेण्डर होना चाहता है तो इसमें क्या हर्ज है? यह मैं जानना चाहता हूं।...**(व्यवधान)**...

श्री गोविन्दराम मिरी: मैं फर्क बताता हूं... **(व्यवधान)**...

श्री के॰ रहमान खान: मैं आपसे जानना नहीं चाह रहा हूं मैं होम मिनिस्टर साहब से चाह रहा हूं कि इसमें क्या फर्क है?

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): जलालु-
दीन अंसारी साहब अगर सोमपाल जी तैयार हो जाए कि वह सवाल नहीं पूछेंगे तभी आप पूछ सकते हैं।

श्री जलालुदीन अंसारी (बिहार): महोदय, मुझे एक सवाल पूछना है। जिस दिन लालू यादव जी ने आत्म सम्पर्ण किया उस दिन सीबीआई के विशेष जज के खिलाफ डीएम और सीनियर एस॰ पी॰ और बड़े अधिकारियों के सामने भद्दे-भद्दे नारे लगाये जा रहे थे। बाद में उनको टेलीफोन से धमकियां दी गई कि इसका नतीजा बुरा होगा और अपने बच्चों को चेहरा भी नहीं देखोगे। मैं पूछना चाहता हूं कि क्या इस संबंध में माननीय गृह मंत्री जी को कोई जानकारी है और अगर जानकारी है तो उनके प्रोटेक्शन के लिए वे क्या कर रहे हैं?

†[شری جلال الدین انصاری: مہودے
مجھے ایک سوال پوچھنا ہے۔ جس دن
لالو یادو جی نے "آتم سمرپن" کیا اس
دن سی۔ بی۔ آئی۔ کے وشیش
جج کے خلاف ڈی۔ ایم۔ اور سینئر
ایس۔ پی۔ اور بڑے ادھیکاریوں
کے سامنے بھدّے بھدّے نعرے لگائے
جا رہے تھے بعد میں انکو ٹیلیفون سے
دھمکی دی جا رہی تھی کہ اسکا نتیجہ
برا ہوگا اور اپنے بچوں کا چہرہ بھی
نہیں دیکھوگے۔ میں پوچھنا چاہتا
ہوں کہ کیا اس سمبندھ میں مانیہ
گرہ منتری جی کو کوئی جانکاری ہے اور
اگر جانکاری ہے تو انکو پروٹیکشن کے
لیے وہ کیا کر رہے ہیں؟]

†[Transliteration in Arabic Script]

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Now, Shri Indrajit Gupta, the Home Minister. Mr. Minister, I think your reply would cover all the clarifications sought and all the misgivings expressed by the hon. members on both the issues. It is up to you to give a combined reply or separate replies.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA): Sir, as per your direction.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): It is up to you.

SHRI SOM PAL (Uttar Pradesh): Sir, Mr. Sikander Bakht has said that the Minister has been absolved of all the technicalities today.

SHRI INDRAJIT GUPTA: Sir, I am some difficulty. First of all, I am acutely conscious of the tact that my patience in sitting here hour after hour....

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We are appreciative of it.

SHRI INDRAJIT GUPTA: ...and resiting the temptation which other Members don't resist, that is, to hear their own vocices, I have that patience. I don't know for how many hours I am here.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You are such an experienced Parliamentarian, you are here for the last forty years.

प्रो० विजय कुमार मल्होत्रा: यह कहना कि मेम्बर अपनी वॉयस सुनने के लिए यहां बोलते हैं।

It is not proper for the Home Minister to say like that. We appreciate his patience. But that does not mean that he should say that we are sitting here just to hear our own voice.

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): यह ठीक है, उन्होंने यह किसी बुरे तात्पर्य से नहीं कहा है।...**(व्यवधान)...**

श्री वसीम अहमद (उत्तर प्रदेश) उनका यह मकसद नहीं है।...**(व्यवधान)...**

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): इसमें उनकी कोई दूसरी मंशा नहीं है, उनका आलोचना करने का इसमें कोई इरादा नहीं है।

SHRI INDRAJIT GUPTA: I am afraid Mr. Malhotra cannot take a joke even.

PROF. VIJAY KUMAR MALHOTRA: *It is not a joke.*

SHRI INDRAJIT GUPTA: Yes, it is a joke because I at least wanted to hear my own voice. I wanted to hear my own voice but for five of six hours I could not do it. That is what I am regretting.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): for that we have to simply express our sympathy.

SHRI INDRAJIT GUPTA: Secondly, another difficulty is that at the end of this very prolonged and tiring debate suddenly the leader of BJP launched the most vehement attack on the United Front Government, various parties which are in the United Front and so on. Now, if I am expected to reply to those points, it will require another prolonged debate. I am quite prepared to go in for it.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You have to choose your own ground.

SHRI INDRAJIT GUPTA: I am prepared to go in for it because he has raised so many points, plitical points, which in my opinion deserve to be replied to. But it will take me at least another one or two hours.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I think the hon. Members are prepared to sit. It is for you to decide.

SHRI INDRAJIT GUPTA: Mr. Sikander Bakht is a very good friend of mine and we have very cordial relations, personal relations. I felt a trade of

frustraion in the way he spoke today at the end. And the frustration arises out of the fact that here is this wretched United Front which speaks in twenty different voices, which is not able to present any united face to the people, which doesn't have any consistent policies, then why doesn't this wretched United Front fall to pieces; It should collapse. The sooner it collapses, the better it is for some other people to get a chance. But unfortunately for Mr. Sikander Bakht and his party, that is not happening. That has not happened. And this United Front which was expected confidently by many people not to survive beyond one or two months, has survived for over a year. I am not making any forecast that it will never collapse, it will continue for ever. That is a different matter. Politics is politics.

SHRI GOVINDRAM MIRI: Sir, ...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Please, Mr. Miri. It is all right, Mr. Home Minister. You can continue.

SHRI INDRAJIT GUPTA: I think I am entitled to expect some patience, some hearing...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You will have all the attention.

SHRI INDRAJIT GUPTA: ... from the Members to whom I have listened for six hours without interrupting. Am I not entitled to some part of that similar treatment?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Certainly. All courteous treatment will be accorded.

SHRI INDRAJIT GUPTA: No, I don't take this lightly, Mr. Vice-Chairman. You see, this is the trouble. I feel that one of the main maladies in our country now, and in this Parliament too, is that nobody has the patience to listen to the other man. He must interrupt him; he must heckle him; he must go on interrupting him. You don't have the patience to listen to the other fellow. You can reply to him later on, if you want to. But you should listen. What have we come to this House for? We have not come here to abuse each other and do *maara-maari* and all that. if you want to do that, it is better to sit out of the Hosue, stay on the streets. We are elected to hear, to debate, to argue, to discuss, to put our own points of view and that presumes that everybody must have the patinence to listen to what somebody else is saying though you may not agree with him at all. That patience is not here in either of these two Hosue. I am sorry to say. There is so much of intolerance, so much of impatience! one person gets up to speak and ten other people are up simultaneously interrupting him, heckling him, questioning him, shouting at him. I don't think this way we are going to prosper in this tradition of our Parliament. Anyway!

Now, as far as the general discussion on Bihar has gone on, Sir, I think the House is also not in a mood for a very long speech from me. And you have been exhorting everybody to be brief—one minute, two minutes, three minutes etc.

So, I should also respect your feelings and be as brief as possible. There are so many things to talk about, but I prefer to be brief. First of all, I should say that whatever has happened to Mr. Laloo Prasad Yadav today has been brought upon him by himself. He is responsible for what has happened to him. I know one can bemoan the fate of our Chief Minister of one of the major States in our country and the Naitonal president of one of the major parties who has now landed himself in jail. One Member said that such a thing has never happend before. So, I say whatever has happened—without going into the whole history of it—he has brought it upon himself. He need not have brought it upon himself, if he had behaved differently. It was always the stand of the U.F. Government, and we have made it

quite clear publicly that anybody who occupies high position, high post whether in the Government or in any major party or in any other Government organisation, if serious charges are publicly brought against him—they may not yet be proved; they may be subject to inquiry, investigaiton, trial and so on—if such serious charges are brought against such a person, we think apart from the quesiton of legality, propriety demands that he should step down. If only for the fact that he should show that whatever investigation or inquiry was going to be held will not be prejudiced or interfered with in any way by his remaining in that post, he should step down. This was our position; this is still out position. This position was communcated publicly, several times repeated to the media, in both the Houses by the hon. Prime Minister. Unfortunately, the Chief Minister of Bihar did not follow this advice. He has different ideas. He said, "I am not going to resign. Why should I resign? why should I step down? He said, "Until I am proved to be guilty of these charges brought against me, so long I consider myself to be innocent, there is no reason why I should step down." So, it is not a question of legality. It is a question of propriety. however, people have got different views, different ideas about propriety. So, now Mr. Laloo Prasad Yadav is under arrest.

This morning I have received a piece of information that he has complained of some cardiac trouble, heart trouble, that he has been having some irregular heart beats, which were examined by specialists, and they have suggested that either he should be hospitalised or the equipment which is encessary to examine him should be brought to that place where he is being held. Now, I am told that he is in the intensive care unit. How long he will have to remain there and so on, I don't know. That is a medical problem.

The other point I would like to touch upon is this question of dynastic rule, which we in this country have suffered for such a long time. We know very well what dynastic rule is. Unfortunately, I hope nobody will take objection, but I think the majority of people in our country, the majority, not all, had reconciled themselves to this idea of dynastic rule. They don't object to it, basically. That is the tragedy of the whold position. राजा की लड़की रानी बनेगी और रानी का लड़का राजा बनेगा फिर राजा की लड़की या लड़का राजा या रानी बनती रहेगी। ऐसा चलता रहेगा।

This is the tradition. This is something we have inherited from fedualism. सामंतवाद था हमारे देश में, बहुत शक्तिशाली सामंतवाद।

And this thing was going on for so many years during the Congress rule. But, now we were hoping since the last six-seven years that we have seen the end of this. We have overcome this and now there will be much more democratic way of choosing, electing a Prime Minister without any reference to his family connections and all that. Now, unfortunately, in these special circumstances prevailing in Bihar, Laloo Prasad Yadav, I may say, took everybody by surprise. I do not know if some Members would say, "No, no. we were expecting this; we knew this." If so, they are very clever people. Most people were taken by surprise by what he did at the end. Of course, it is slightly ridiculous that he nominated his wife, who is an ordinary housewife who looks after nine-ten children, who cooks for them, who has never had anything to do with politics, and got her elected by the legislature party in Bihar as his successor. Well, he has done it and she has now become the Chief Minister. what the future holds, I cannot say, it is not my job to speculate as to how this arrangement is going to work. But I will say one thing. Other people have also mentioned it. I do not agree with the idea of singling out Bihar as a sort of model criminal and corrupt State. I do not agree with this. Of course, conditions in Bihar have been very, very bad. there

is no doubt about it. Hon. Members have spoken about it at length, but if these maladies of corruption and criminality, scam and violence and all that were only confined to Bihar, well, I think, our country would have been much better off than it is at present. It will be a gross under-estimation, in my view, of what is happening more or less throughout the country. The whole country is getting engulfed — that is what we should be more concerned about. It is well to say that we are now completing 50 years of Independence and so on. Some hon. Members have sounded a note of warning also. What the next, not 50 years, say, ten years are going to bring about if we do not do something to rid the country, rid our society of all these problems which are spreading like a cancer? I think, one of the most disturbing symptoms of the near collapse in many places of administration, Sir, is the fact that Government officers, when they cease to be loyal to the law and they become loyal only to parties which are in power or loyal to certain ministers or sometimes even loyal to certain castes and communities, and that becomes their priority, but not loyalty to the law, not loyalty to their own professional standards which they are expected to conform to , if that disease spreads throughout the administration, there is bound to be a collapse, a collapse of administration, and with that the law and order. I do not want to name any State. Then, again, there will be a number of protests and all that. I have already named one or two States in the past and have been criticised very much for it but I am not afraid of that because I think what I said is true. It is becoming true everyday. The root cause of this problem is, Sir, I think, loyalty. The loyalty of the officers, first and foremost is to the responsibilities and duties assigned to them, to their behaving professionally and not acting under pressure, under threat, under any kind of allurement of the party which happens to be in power at that time in that particular State or a particular Chief Minister or a minister or some particular caste or community. I think, we should seriously think about it and then it can be cured. If the administration gets divided like that, then I am afraid, there is no hope for pulling up the country's standard within a reasonable space of time. I am not talking about communalism; I am not talking about the more aggressive forms of casteism which are leading in many places to clashes, conflicts and sometimes to mini civil wars in some places. These things are also casting clouds over the national scene. Mr. Satish Agarwal when he began his speech was reminding us of the historical traditions and achievements of Bihar. He was quite right in what he was saying. He was saying in order to show as to what the depth of decline is which has taken place. It is true. You can say the same thing about many States. Sir, Lately in Maharashtra something took place which has been condemned universally by all people, all parties. Nobody has tried to justify those incidents which took place in Mumbai. In Maharashtra, two days ago I happened to be in Sangli where long-long ago Sahu Maharaj was the ruler of that area. Sahu Maharaj in those days had propagated the idea of reservation among his Government employees and workers—50 per cent reservaton for the *Dalits* and poor people. I am not quite sure how far he was able to implement that. But, he had such an idea at that time itself. He is revered as a great social reformer in Maharashtra. I found everywhere people hold him in great reverence. I had, of course, gone there to unveil a statue of another great Maharashtrian, that is, Nana Patil. Sir, I am sure you know about Nana Patil who in Satara had set up his Patri Sarkar in the days of the 1942 Movement and practically the British administration had collapsed. The Patri Sarkar of Nana Patil had occupied the police stations. They had practically driven out the Britishers from there. Of course, it could not last. It was suppressed sooner or later. But, he had propagated the idea that in the territory covered by the Patri Sarkar down below

the village level, it is the common people of the villages who should learn how to be self-reliant, they should set up their own village committees, something like our Panchayats, operate through these village committees and the people should not go on depending on the Government or the people at the top. Such people were there at that time. That was Maharashtra. Now-a-days the statues of such people are being desecrated by hanging garlands of shoes and chappals around their necks. So, there is a decline. But what is the use of complaining that this happened in Maharashtra, that happened in Bihar, something else happened in UP? What I am saying, Sir, is that if we appreciate the seriousness of the situation, then we should realise that there is a general decline in values, there is a decline in the coduct of people who should set an example to the people, instead of themselves sharing in this decline. Bihar was, of course, one of the strongest citadels of feudalism in our country. सामंतवाद का एक गढ़ था। And the struggle against feudalism, of course, has gone on for many years. It cost the people of Bihar great sacrifices, sufferings, blood and all that. But, the basic thing is that they fight for their land. Million of landless poor people are still there in Bihar for whom no effective land reforms could be carried out up to today — very marginal — and still we have this great discrepancy in the ownership of land in the villages of Bihar where millions of people are landless poor and the ownership of land is concentrated in the hands of a few people. It is one of the reasons why, frequently now, it is expressing itself in half a dozen districts of Central Bihar in the form of very violent and bloody clashes between armed gangs. One lot has been described as leftist extremists of the CPI (ML) and the other is Ranvir Sena of the land-holders and landlords. The problem cannot be solved unless far-reaching land reforms are carried out, of which at present, in Bihar, at any rate, I do not find any evidence. So, about Bihar, generally, I do not want to take more time of the House. If you do not mind, I think, a vast ground has been covered by so many hon. Members speaking about various aspects of the situation in Bihar. As for clarification, there are only one or two points, I think, which require clarification because an enquiry is going to be held. A high-level enquiry is going to be held and I do not wish to pre-empt that enquiry. I cannot say what they will find out or what they will not find out. they have to go into all those circumstances which led to the events of that night of the 29th /30th July. We have some information from our own sources, from our intelligence sources. But, we do not have all the information. We do not know everything. We know something. The rest will have to be unearthed by this enquiry because certainly, it is a very serious matter. We do not want any Tom Dick and Harry tomorrow to be in a position to say that, I think the army should be called out or it can be called out to assist the civil administration. There are ways of doing it. Army has to be called out sometimes, to assist the civil administration. That is known. But it is also equally well known who can authorise it, what the procedures are which have to be followed. And these were the things which were absolutely ignored and overridden by the officers of the CBI. Sir, from the reports we received, it seems that this director who was posted in Calcutta, Mr. Biswas, was a man who was very eager to get this arrest carried out that very night. But according to the Supreme Court's order, there was time up to 6th of August. The date has been specified that he is not to be arrested before the 6th of August. Up to 6th of August he will remain as he is. But, some people were in a hurry. They may have some ground for it. But they were in a hurry to effect that arrest. The warrant of arrest is not issued by the Supreme Court, it is issued by a disignated court in Patna. The Supreme Court has given him time up to 6th of August and there was no need, in our opinion, for this great hurry that very night he must be arrested. Anyway, those

were the instructions, perhaps, sent by Mr. Biswas, from Calcutta to his people in Patna. Then they started trying to make arrangements for carrying out this arrest and then all these complaints and counter complaints have come. I have got letters here. I do not wish to read them out—letter from the Chief Secretary of Bihar and letter from the DGP of Bihar. They are all denying, very vehemently, that they, at any time, refused to give the required help for carrying out this arrest or that they did not cooperate. They are denying it on paper. It is here in writing. Whether it is a fact or not a fact, the enquiry will have to go into because certainly, if these officers, specially, the DGP and the Chief Secretary and so on, have been found lacking, negligent in carrying out their duties on that fateful night they will have to be nailed down and they will have to face the consequences.

No doubt about it. Now, he admits that when people came looking for him in the night, he was not at home; he had gone somewhere else; in fact, he said that he had gone to the Chief Minister's house to discuss something with him. When these people had gone to his house, he was not there.

The warrant issued by the court earlier had said this. That was the order; that it could be executed before the 6th of August. Time was there up to the 6th of August.

The other issue....*(Interruptions)*

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Hon. Member, please. He has said it. Mr. Minister, you please go on.

SHRI INDRAJIT GUPTA: What is it?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The point is whether there was time up to the 6th of August, or, it could be earlier also. You have said it. The Minister has made it clear.

SHRI INDRAJIT GUPTA: The other point is, whether they, actually, were not co-operating, whether they gave all help that was needed or required, or, whether there was a tendency on the part of some of the State Government officials to avoid carrying out the arrest, or, they did not want to face some unpleasant situation, or, there was some other consideration. Now, I cannot say anything at this stage. This will have to be enquired into and found out.

There was also a report that a large number of people had gathered outside Laloo Yadav's house, that they were squatting there; they were on a *dharna,* etc. The DGP himself had said: 'Yes; we have some problem in carrying out the arrest; I would require some additional forces; to mobilise the additional forces would take some time'. This is also there in writing; in his statement.

But Sir, it is not true to say that a situation had arisen where the CBI had no other alternative but to seek the help of the Army. There was no compulsion to carry out the arrest that very night. It could have been done the next morning. It could have done a day afterwards. Anyway, for reasons best known to them, and, under instructions from Calcutta, this gentleman, Mr. Komudi, Joint Director, SP of the CBI at Patna, approached the court, the High Court, and told the judge. Later, the High Court had given him an oral order, oral direction: 'Well; if you want to go and get the Army's help, you are free to do so'. They did not give him permission: 'Yes; please go and seek the Army's help'. This is also on record. No judge gives an oral order of this type. In such a matter as this, it is quite impossible to believe that any High Court judge would give an oral order or oral directive of this type. What is it that the judge had said? The judge said: 'If you want to seek the Army's help, you can go and do what you like; it is your look-out'. Therefore, they did not say: 'No; don't go'. They also did not give any order or directive of this type.

This gentleman, the SP of the CBI at Patna, straightaway sent a message to the Army Commander at Danapur saying: 'We require your help'. This has been mentioned in my statement also. He told the Army Commander: 'You send, at least, one company of the Army to help us to do this'. The Army refuse. The army flatly refused. They said: 'We cannot do any such thing; this is not the procedure we follow; the least we can do is that we can consult the Army Headquarters at Delhi and get their instructions whether we are permitted to do any such thing'. Later, as you know, Sir, they approached the Army Headquarters at Delhi. The Army Headquarters rejected it, saying: 'Nothing doing; this is not the way Army can be called out to handle any situation'. They said: 'The Army cannot be called out like this; the District Magistrate of Patna who is the designated civil authority, has not given any order'. They said: 'The designated civil authority, in every case, has to request for the Army's help; no such thing had happened'. Therefore, the Army Headquarters turned down the request. The Army was not permitted to come in. By that time, it was found that Mr. Laloo Prasad Yadav had sent a message, or, he had announced somewhere. He said that he was not going to allow himself to be arrested. He said that he would surrender the next morning; he would go and surrender voluntarily. So, that was another factor there. I do not know whether this influenced these people in any way or not. So, this is what has happened, Sir, the rest of it will have to be uncovered by the inquiry. I cannot anticipate it.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Home Minister, could you resume your seat just for a second? I would just like to put this to you. This must have been brought to your notice this morning. A news item has appeared in one of the national dailies. It must have come to the notice of the Ministry that Mr. R. N. Kaul, DIG. and the SP informed the Headquarters here about the request of the Army. From what you have said, the sequence is that the SP first went and sought its help. When it was refused.....

SHRI INDRAJIT GUPTA: He first went to the court.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Yes, to the court, and then to the Army. The Army rightly refused it. Then they informed the Headquarters and sought their concurrence.

The newspaper has reported this at great length. So, I thought that I should mention this for the sake of clarity. The dust must be removed so far as this is concerned.

Was the Headquartes informed in advance about the desire of the local officer to seek the help of the Army, or did they approach the Director here only thereafter? What is the sequence? You have referred to both the points. The news item has appeared in one of the important national dailies.

SHRI INDRAJIT GUPTA: The information about the Army being approached did not reach Delhi in advance. It reached Delhi afterwards, subsequently. This information was not communicated earlier, before the thing took place.

I just want to refer briefly to a very detailed report which we have received from the Director of the CBI. The Director of the CBI says:

> "Mr. Rakesh Asthana came to see me after the Supreme Court verdict and informed me that the Joint Director (East), Shri U.N. Biswas, had directed that Shri Rakesh Asthana should reach Patna at the earliest to execute the arrest warrant. Shri Asthana also informed me that he was going by plane this morning to Patna for this purpose.

"I also spoke to the DIG, Shri R. N. Kaul, who also informed me that the arrest would be effected today morning. He wanted permission for the SP, Shri V.S.K. Komodi to accompany Shri Rakesh Asthana for executing the arrest warrant, and this was agreed to. It appeared that the JD (East) located at Calcutta had a change of mind and wanted to effect the arrest that very night itself and issued orders to that effect.

"Shri S.K. Saxena, DGP, Bihar, has informed me...."

That is, he informed the Director of CBI.

"....this morning that some CBI officers contacted him at 11-00 p.m. last night and subsequently at a later time in the night, seeking their help for effecting the arrest.

"According to Shri Saxena, DGP, he informed the CBI officers that Bihar Police was willing to give all help, but they needed some time to make the necessary arrangement.

"At 7-30 a.m. today, Shri R.N. Kaul, DIG (AHP), Patna rang up and informed me that on instructions of JD (East), they had sought Army assistance and that a letter was written to the Army Area Commander at Danapur to this effect. I took strong objection to the CBI Unit in Patna having sought Army assistance without any authorisation from the CBI Headquarters or any other competent authority.

"As is evident from the reply received, the JD (East) chose to approach the hon. High Court Judges who are monitoring the case under reference rather than approaching the CBI Headquarters to seek the Army assistance.

"It is very clear from the DIG's reply that the JD contacted Shri Rakesh Kumar during the night, who in turn contacted the two hon. Judges at 5-00 a.m. And oral directions were given by Mr. Justice Jha at 6-00 a.m. to request the Brigade Commander, Bihar Regimental Centre, Danapur, to provide assistance immediately for executing arrest orders by the CBI team. The JD in turn ordered Shri Komodi for writing a letter to the Commandant. Copy of this letter is enclosed. And the officiating Sub-Area Commander, Danapur, did not provide any Army assistance on the plea that since this was a sensitive matter, he was seeking guidance from Army Headquarters."

Then the Director writes: "This conduct of the A.H.D. Branch in Patna, especially of the J.D., Shri U.N. Biswas and Shri V.S.K. Kanody for seeking the Army assistance without getting the Head Office approval is most unbecoming. To have invoked the help of the monitoring judges at unearthly hours, rather than to approach the Head Office or the competent civil authority is sheer unprofessionalism, which calls for an exemplary disciplinary action." This is, of course, the view of Shri R.C. Sharma, who is the Director of the C.B.I.

Sir, this is what actually happened. why it happened and how it happened, what were the circumstances in which the people were motivated to act in this particular way, all these are subject matters of the inquiry, which is going to take place. After we know the results of that inquiry, and what action, if necessary, should be taken against certain people, we will certainly report it back to the House.

SHRI SOM PAL: Sir, two very important things are missing from the statement of clarifications by the Hon. Minister. One is, in spite of the recorded

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evidence available on the files of the C.B.I. and the Ministry that they have acted in a very insubordinate manner, even violating the instructions of the D.G., C.B.I...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Minster has said it is view.

SHRI SOM PAL: Kindly let me finish. He can say so. And also that he has gone to the military without any powers or authority available and without approaching the appropriate authority. My first point is that in spite of this recorded evidence, what is inhabiting the Government from putting this officer under suspension? My second point is in regard to the authority or powers available to the judiciary under the present Constitution and the regime of laws available. My point is whether the judges can order such a thing at all in writing or orally will be covered in the inquiry or not. These are the two clarifications, I would like the hon. Minister to give.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I think your second point is unfair. The Home Minister cannot order this kind of an inquiry. This would be interference by the Government as such. There is a separate procedure for this. It can be taken up when the matter about the judges' authority comes before the Parliament. Then you can ask whether the judges have authority or not. It is unfair now to put this question to the Home Minister.

SHRI SOM PAL: Sir, I tried to underline this in my speech also during the discussion on Bihar. My point is, it is for the House, the Parliament ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The judicial administration is also dutybound to carry out the Constitutional provision. That is for the Parliament to...

SHRI SOM PAL: Sir, we are sitting in the Parliament and that is for the Parliament to decide.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): But, that is not the issue at the moment. I understand your feelings. You have articulated it very well.

SHRI SOM PAL: Sir, it is a question of hard law and Constitution. It is not a question of feeling or perception. It is a direct question of law and Constitution whether the judiciary is empowered beyond its jurisdiction, beyond the Constitution or beyond the laws? They are dutybound. They have both a right and a duty to administer justice according to the law of the land.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): It is assumed...

SHRI SOM PAL: Sir, first let me ask whether what I am saying is incorrect.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Now, the question is that of assumption. The assumption is that the judges interpret and act according to the Constitution. If there is a deviation, if you have any doubts, there is a separate question about this. Then the Law Minister will...

SHRI SOM PAL: In this context, Mr. Chairman, I seek your ruling.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): This context can be used subsequently in the form of a question. If according to the Constitution there is any deviation, if you have any doubt, you can put a separate question and the Law Minister will reply to it.

SHRI SOM PAL: Where is the occasion? This is the context. I want your ruling.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): This context can be used subsequently by you to put a question.

SHRI SOM PAL: But where will be the context for the Home Minister to be present here?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Home Minister is free to reply.

SHRI SOM PAL: What is the reason to defer the context?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I do not think that the Home Minister can really reply to this. This question should be addressed to the Law Minister.

SHRI SOM PAL: I would like to be enlightened: Who else will do that? ...*(Interruptions)*... Shastriji, let me finish.

SHRI INDERJIT GUPTA: First of all, we have to verify what exactly the Judges have said, whether they gave an order or they did not give an order. You are jumping to conclusions too soon. Have a little patience. The inquiry will reveal all these things. We do not know exactly what the Judges have said. ...*(Interruptions)*...

SHRI SOM PAL: My simple question is: Will the terms of reference of the Inquiry Committee or the Commission cover this point to find out this thing?...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I am sorry.

SHRI JOHN F. FERNANDES: Mr. Vice-Chairman, Sir, I only put one question. You told me to be pointed. My pointed question was the high level inquiry committee. How high is that committee? The Minister has said nothing about it. Is it a judicial inquiry committee? High officials are involved here. He is silent about it. How high is the committee?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Who is the inquiry officer?

SHRI INDRAJIT GUPTA: Mr. Durai, the Director-General of the RPF is the enquiry officer. There were two officers whose names were considered. But this is the name which has been selected. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The difference between surrender and arrest was explained by the Minister. ...*(Interruptions)*... We are thankful to the Home Minister for having been with the House and for listening to the views of various Members about this important subject. Before we adjourn, I would like to call upon the Minister of Chemicals and Fertilizers, Shri M. Arunachalam to introduce the Bill which has been listed in today's Revised List of Business.

THE CHEMICAL WEAPONS CONVENTION BILL, 1997

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI M. ARUNACHALAM): Mr. Vice-Chairman, Sir, I beg to move for leave to introduce a Bill to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to provide for matters connected therewith or incidental thereto.

The question was put and the motion was adopted.

SHRI M. ARUNACHALAM: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I am grateful to all the hon. Members for extending their cooperation. The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at fifty-three minutes past six of the clock till eleven of the clock on Thursday, the 7th August, 1997.